

REMARKS/ARGUMENTS

Claims 1-10 and 12-15 are pending in the application, as claim 11 has been canceled without prejudice, and dependent claim 15 has been added. Support for new claim 15 can be found on page 6, lines 19-21 of the application. In the Office Action, claims 1-4, 8-10 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,067,297 to Dombrowski (Beach). In addition, claims 5-7, 11, 12 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beach in view of U.S. Patent Application Publication No. 2007/0054632 to Lu (Lu).

Independent claim 1 has been amended to clarify that frame exchange is initiated at the communication device by transmitting a polling message along with uplink traffic to the access point. Independent claims 8, 10 and 14 have been similarly amended. Support for the amendments can be found on page 4, lines 22-25 and page 6, lines 18-25 of the application, and no new matter has been added.

In contrast, the communication exchange in Beach is initiated by the access point (AP). In particular, the AP (i.e., EAP) generates a traffic indicator map (TIM), and the mobile station (i.e., PSP station) polls the AP after the TIM indicates that the AP has data queued for the mobile station (see col. 11, lines 65-66). Moreover, Lu does not describe the feature of transmitting uplink traffic along with the polling message from the communication device that has initiated frame exchange to the AP. Specifically, Lu merely explains a process of an AP transmitting data plus a polling message (i.e., data poll frame) to grant contention-free transmission opportunities to wireless stations (see first five lines of

paragraph 0041). The Examiner has already conceded that Beach does not teach the transmission of data along with a polling message (see page 4 of the Office Action of June 1, 2007). In short, neither of these references describes the process of a mobile device initiating frame exchange, including the transmission of a polling message with uplink traffic.

Concerning dependent claim 15, it is recited that the uplink traffic is transmitted (along with the polling message) in response to the receipt of the uplink traffic from a higher layer application. Neither reference teaches such a feature.

In view of the above, Applicants submit that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

Date: October 31, 2007

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